state the truth. If it was not adultery, there is of course no harm in money having passed, but if it is adultery the orld will want to know why it was that you got \$5,000 from Henry Ward Beecher and applied it to the use of Theodore Tilton." The indignation of Moulton! "Did Henry Ward Beecher tell you that! I will grind him to Henry Ward Beecher tell you that ! I will grind him to powder. I will deny that. He had no business to tell you that." "It was not be that told me." "Who did tell you!" "I don't like to say." "You must tell me who told you that; I insist upon knowing." After some hesitation Gen. Tracy thought that, perhaps, he ought to, because otherwise Moulton would be under a false con-"Well, it was Frank Woodruff, and he told me the day you got the money. He told me that you had re-ceived \$5,000; that you had not taken it in a check; that Beecher had to go the bank and draw it in bills, and that you received the money." "He had no business to tell that. Now, let me say to you, Beecher not state that. He must deny it. I deny it." H-m, h-m, is that all ! Why, no; he goes to Frank Woodruff, and arraigns him for telling Gen. Tracy about the money. He says: Frank, it was not the \$5,000 I told him about; it was the \$500 that you gave on one occasion for the support of Tilton's family." "Why, that is n't in the acsount." "Well, it was that \$500; I didn't tell him about the \$5,000; Tracy is mistaken." And so we have eropping out the fact, which Mr. Beecher himself had tten, that at an early day there was a \$500 transaction irrespective of either of these that have been disyou, under which certain scratchings and inooks. There was another transaction of the same But, you see, there was trouble. Frank ulton was ready on Saturday to come out and accuse Mr. Beecher of adultery, but on Sunday he thought better of it. Things must be manipu lated and arranged first. Tilton says: "Redpath, tell Beecher that I am going to change the charge to adultery." "No, no; you are not; I stand between you and Henry Ward Beecher," and then Redpath says after view they went off together to another room to prepare Prank Moulton's first statement. Now, observe, that is as early as the 12th of July. That first statement prepared by him and Tilton, he showed it to Tracy. It charged a dultery. That statement was so modified (and fterward at a much later period presented) as to hold back the charge of adultery, because what they wanted was to get Mr. Beecher on record first before he got the its, and then come upon him with these papers by thought he had in great part forgotten, and en they would be able to give a coloring to them all, which they could supplement with their own oral statements endemn him hopelessly; but it was still the part of Moulton to play the mutual friend. "Tilton is angry cause I tell him that I love Beecher at least as well, if not better, than him." Now, even that big boy almost opened his eyes when Redpath brought him that message. Redpath says he told him, "Beecher, Theodore Tilton is a scoundrel; ho is rotten." "But, Redand he says Beecher put the question to him interrogatively-"Redpath, Frank Moulton is friendly to me really, is he not ?" "Undoubtedly," says Redpath. Was there ever a case in which there was cooler blood and more slimy treachery than that of Frank Moulton ? Why, he and Theodore Tilton were engaged in making out this very charge of adultery, in sending this word to Mr. Beecher, and in order to have him put in a statement which would be open to their conjoined assault and

Mr. Evarts-It is about 1 o'clock, if your Honor please Judge Neilson [to the jurors]-Please return at 2 o'clock, gentlemen.

The Court then took a recess until 2 o'clock. THE AFTERNOON SESSION.

The Court met at 2 p. m., pursuant to ad-

multitude of those which I had noted in connection with the testimony of Mr. Moulton to which I wish to call your special attention, relying in the main upon your memory of his general testimony, unaided by any sugges tion from me. I allude to it because it is one of those little significant ear-marks of falsehood or of truth, as the case may be, which enable you to judge of a great many other matters in regard to which the proof may be indistinct and obscure. You remember that I alluded this morning to the extraordinary fact that an American gentleman and merebant, a man of social position and literary pretensions, who, according to his own theory, knowingly, deliberesignedly delivered over to the companionship of his wife an infamous, hypocritical debauchee; that he should have hung in his own parlor a portrait which did not belong to him, and that portrait the counterfeit simflitted of such a debauchee. I say it to the credit of the manhood that is within him, that he himself saw even, in the evidence, and without the aid of the suggestion of adverse counsel, that it was a feature of the cas which called for explanation, and when Frank Moulton wants an explanation, it is always forthcoming, if he can give it, and if all other explanation fails it will be found dy forged lie. And he tells us, in order to explain the fact that he had the picture of an adulterer hanging in his parlor, for every guest to look upon, as as only after he and his wife had become accustomed to the idea of the companionship of a liber tine; and he deliberately swore before high Heaven that that portrait never hung in his house until his removal to Remsen st. in May, 1872. It is said that liars should have more than the faculty of invention; they should have good memories. He had forgotten that in his presence Theodore Tilton, for another purpose—May, 1871, 1 should have said—Theodore Tilton had, for another purpose, already sworn, in the bitterness of his animosity to Mrs. Morse, that that portrait was taken from his he in the Fall of 1870, to the house of Frank Moulton, for the purpose of preserving it from the threatened violence of this crazed woman, as he pleased to call her. He swore to that, believing that it had not been contradicted by Tilton, for that seems to have escaped his attention, and he swore undoubtedly in the belief that in a matter of such minor importance there would be no witness to contradict him; and yet this falsehood, uttered by him at the close of the trial, on his return to the witness-stand for the purpose of contradicting one of our witnesses-this falsehood was nailed to the counter by two witnesses, both speaking from absolute knowledge, and both fixing the fact that that portrait hung in his parlor in Clinton-st., in the Winter before his removal to Remsen-st. One was the owner of the house of which he was a tenant, who saw it when he went there to collect his rent; and the other was the usher of Plymouth Church, that church which he hates, and which he would

MR. MOULTON TURNS UPON MR. BEECHER. Gentlemen, I shall deal no more with this man, except in another relation. I had prepared notes for the purpose of analyzing his evidence; but it runs through days and days, and it would be, perhaps, to you a most weary recapitulation. You remember its general effect; but my observation of jurors has been that they form their judgments of a man rather by the apparent sincerity of his utierance and the probable credibility of his parration than by this minute analysis, which taxes so wearily the time of a court and the patience of a jury. But I must advert to one aspect of the case in connection with him before I close my argument. What is the pre text of this man as an apology for his betrayal of trust, his falsehood to honor! On the 13th of August he said Henry Ward Beccher, in a public statement, alluded to the fact that he had received for Theodore Tilton money exacted by him in the interest of Tilton, and for the pur poses of blackmail. Gentlemen, it is as false as any utternce that ever fell from those smooth and oily lips. If you will remember the first day of his examination, you will recall the fact, which was still further pressed upon him during my absence in the continuance of that cross-examination by my friend, Gen. Tracy, that even by his own concessions he had betrayed that trust, in the interval between the 13th of July and the 4th of August. deliberately, without motive, without provocation. the 24th of July, Gen. Tracy, in behalf of Mr. Beecher, called upon him with a written note, in kind and courteons terms, from Mr. Beecher, saying that the Church Committee were waiting for his statement, and asking the privilege of looking at the documents which had been left in his hands for the purpose of keeping them safe if an occasion should arise for their us when Gen. Tracy came to present that demand he re-fused to receive it. Why! When Gen. Tracy pressed the demand and insisted upon his reading the letter of Mr. Beecher, he said: "I haven't time to answer it." When the demand was still further pressed by Gen. Tracy, who read this man through and through, he says: "I cannot furnish to Mr. Beecher these papers; they must be secure." "Do you mean to say, Sir, that you suppose that Henry Ward Beecher and I are not safe custodians that Henry Ward Beecher and I are not safe custodians that you inspired me of your honor and flathity, I placed the woman who is not above suspicion in your hands for safe-keeping various letters addressed.

as the friend of Heary Ward Beecher, sat through long

nours by day and by night, watching over the sick-bed of

Francis D. Moulton, while he lay hovering between life

and death. The faisehood itself is comparatively unim-

which such vipers are

portant, but oh, what a revelation it is of th

by a cunning and plausible man as the circumstances

that would give to the truth the false complexion of a lie.

character of the nest in

and besides, Gen. Tracy, it is not honorable on my part Why not!" "They are original papers." "Why, Mr. Moulton, they are original papers of which the copies are circulating all through the continent. They are original papers of which Theodore Tilton has published the copies, so that they have run from State to State through the Union. What Mr. Beecher wants is to verify the copies by the inspection of the originals. He don't know what he has written; he has left them in your hands in trust; would be honorable to Theodore Tilton to let Henry Ward Beecher see what I have never let Theodore Tilton see." "What! You didn't publish them!" "No." "Who did!" "Theodore Tilton." he asks to look at them." "I don't think "Where did he get his copies !" I don' know." "Did he get them from you !" "No." "Who know." "Did he get them from you!" "No." "Who else has had the papers!" "I don't know how he get them. I sternly refused to let him make a copy of a single paper, and honor calls upon me to refuse it equally sternly to Mr. Beecher." "Why, the originals will be safe if you will let me take copies." "I don't know." "Why, there is your own clerk; let him make copies, so that Mr. Beecher, may see the whole of the papers of that Mr. Beecher may see the whole of the papers of which you published what purport to be extracts." "Gen. Tracy, I am going to Narragansett. I haven't time." The General, lawyer-like, sits down and writes a note, asking if he will allow Mr. Beecher to have copies made at his expense, and by Tilton's clerk, to the end that he may be enabled to speak of these papers, of which garbled extracts had been given to the public by Tilton, but of which Mr. Beecher wished to give the whole. haven't time. I am going to Narragansett." Now, if Moulton could not irust his own clerk to make copies of papers that he had in his tin box and his safe, there was, perhaps, reason for the refusal. What was there in those papers that needed the shelter of darkness instead of the blaze of light! Gentlemen, the man who was just on his way to the cars for Narragansett had in his pocket, the pocket which contains a pistol when he goes to a woman for a letter, to a clergyman for a paper -he had in his pocket those papers, to exhibit them to Benjamin F. Butler-who was no "Mutual Friend," to whom Beecher had never authorized him to show thembe woven by Gen. Butler into a spider's web which should entrap the fly of Plymouth Church. This man whose honor would not permit him to give to Mr. Beecher copies of his own papers, which had already been published by Theodore Tilton, had them here [placing his hand or the breast pocket], to deliver them to a man who, what ever may be his claims upon public consideration and regard, had no claims upon Henry Ward Beecher, except those of rejected addresses and unrequited love; and he sage to Gen. gracy, "I won't read your letter, and I ask you to take back the letter to Mr. Beecher," and he proceeded on his way. This man, then professing such friendship for Henry Ward Beecher, who had never wronged him, goes to Narragansett, hatches his plot, perfects his libel, goes home with his statement, arrives here on the morning of the 4th of August, finds another letter from Mr. Beecher, dated on the 28th, asking him if he won't give to him the letters he held in trust for him, at least to give them to the Committee, and writes to him-no, not writes to him, but copies what Benjamin F. Butler had written for him:

MR. MOULTON REFUSES MR. BEECHER AC CESS TO THE PAPERS.

Observe, the voice was the voice of Jacob but the hand was the hand of Esau. The man who purports to write the letter is Francis D. Moulton—the man who dictated it was the Esau of Massachusetts.

who dictated it was the Esau of Massachusetts.

No. 49 REMSENST., Aug. 4, 1974.

My Dear Mr. Beecher: I received your note of July 24, informing me that you are making a statement and need the lotters and papers in my hands, and asking me to send them to you for the purpose of having extracts or copies made from them, as the case may be, that you may use them in your controversy with Mr. Titton.

I should be very glad to do anything that I may do, consistent with my sense of what is due to justice and right, to aid you; but if you will reflect that I hold all the important papers intrusted to me at the desire and request and in the confidence of both parties to this unhappy affair, you will see that I cannot in honor give them, or any of them, to either party to aid him as against the other.

Gantlemen, suppose, in an under

lemen, suppose, in an undue confidence in me, you Gantiemen, suppose, in should appoint me your executor or trustee to look after the interests of your daughter and your son; and there coming up afterward a difference between that daughter and that son, when one of them comes to me to demand access to the papers in which their father's will had given to me the instructions which should be my law, I should coolly turn upon them and say, "I am nothing but a trustee; you cannot see your father's will; it would be a breach of honor on my part. I hold these papers in trust for the man whose bones are moldering in the ground, and not for the benefit of the living beneficiaries created in the trust." You come to me; two of you have trust; you afterward come to me as the depositary of that contract and say, "I want to see this paper of which I kept no copy and which I left with you in trust." I say, "I hold it in trust for both parties, and you cannot see it unless your adversary shall consent that you may see it." "Why, my adversary has already seen 4t, and has put a copy of that contract in the hands of a lawyer who is to-day prosecuting me for its enforcement; and it is a an ornament of the drawing-room at which a virtuous woman presided over the hospitalities of his house, that look at the original." "I have taken advice of Benjamin was only after the adulterer repented; that it was not in honor, you have no business to ask me to see the copy. I mail. And he was right. I regret that his other engage-

"I have not given," he proceeds, "or shown to Mr. ince the renewal of your controversy, which had been not adjusted."

He had not? But if he had not given them to him ne ministering angel who wrote a legible hand had. Who carried the key of that tin box ! How did Theodore Tilton get those copies? What was this sense of honor that would permit one man to have what he pleased them, and which would refuse it to the other?

I need not tell you how deeply I regret your position is foes each to the other after my long and as you, I have no doubt, fully believe honest and faithful effort to have on otherwise

Oh, how that impressed Gen. Butler! The honor, the fidelity of this mutual friend! And he gives utterance to it in those eloquent and breathing words of his, that

I will sacredly hold all the papers and information I have until both parties—(which being interpreted means until Theodore Tilton)—shall request me to make them public, or to deliver them into the hands of either of both, or to lay them before the Committee, or I am compelled in a court of justice to produce them—

No blackmail, gentiemen; of course he didn't contem-plate a suit at that time against the man at whose feet he was fawning, whom he was flattering to his face, from whom he was taking, day after day, certificates that he could use thereafter against him to show that he was a God-sent messenger of love. unroof if it lay in his feeble power; but he then,

-To produce them, if I can be so compelled. "My regret"-I wonder whether that means Moulton's regret or Butler's regret-Butler, the discarded lawyer,

r Moulton, the mutual friend ! or Mouiton, the mutual friend!

My regret that I amcompelled to this course is softened
by my belief that you will not be substantially injured by
it in this regard, for all the facts are, of course, known to
you, and I am bound to believe and assume that in the
statement you are preparing you will only set forth the
exact facts; and if so, the documents, when produced,
will only confirm, and cannot contradict, what you may
state, so that you will suffer no loss.

When I oxamined Mr. Mouiton about the entries of the bred! Foolish, little serviceable in the cause, invented

blackmail in his books, he said, "I ought to have the privilege of looking at my books," and I gave him till the ext day. If I had consulted Benjamin F. Butler-if Mr. Beecher had accepted his services, and he had sat by my side, he would have said, "Tell him, 'Mr. Moulton, you are at no disadvantage without your books. I regret very much that you cannot use them, but my regret is softened by the fact that if you state truly what is there reorded, it won't hart you, but if, which I cannot believe, you lie, it is very proper that the books should be left b hind in order to convict you of the lie." That was the method of reasoning adopted by the mutual friend and the rejected counsel, as commending itself to the sense of honor of conscientious men, even at the very time they vere contemplating bringing this proceeding into a court

of justice.

If, on the contrary—which I cannot presume—you de sire the possession of the documents in order that you may prove your statement in a manner not to be contrartened by the facts set forth in them to the disadvantag of Mr. Tilton, I should be then adding you in doing the which I cannot believe the strictest and firmest friend ship for you calls upon me to do. With grateful recollections of your kind confidence and trust in me, I am very truly, yours,

F. D. MOULTON. I am,

MR. BEECHER'S ANSWER TO THE REFUSAL. Down to that moment Henry Ward Beecher rusted him as I trust your Honor, as I trust each of you twelve whom I have known over five months, and in each of whom I recognize that integrity of person which convinces me that you are upright and honest men. Bu when that letter came, this man whom Judge Morris calls a coward, this man who had been threatened with a charge that should destroy him, this man no longer appeals to him for sympathy or regard, but in tones of earn est manliness he replies, and I may be permitted to read

to me from my brother, my sister, and various other parties; also memorands of affairs not immediately connected with Mr. Tilton's affairs. I also from time to time addressed you confidential notes relating to my own self, as one frieud would write to another. Those papers were never placed in your hands to be helf for two parties; they were to be held for me. I did not wish to subject them to risk of loss or scattering, from my careless habits in the manner of preserving documents. They were to be held for me. In so far as these papers were concerned, you were only a friendly trustee holding papers subject to my wishes.

And as my friend Mr. Abbott suggests he don't go to

And as my friend Mr. Abbott suggests he don't go to Narragansett to take counsel of Benjamin F. Butler, but the moment he receives the letter which shows to him that he is in the colls of a serpent he answers it upon the instant; he preserved no copy; we were compelled, from them, under the exaction of a subpena and the power of an eath, to compel the production of this letter in order to ascertain even what Mr. Beecher had written. And they could not refuse it, for they had admitted its receipt. Do you suppose that Henry Ward Beecher then thought that instead of answering his trusted friend, Francis D. Moulton, he was writing to the man who had already recorded his name in history, that he was writing to one of the ablest publicists of the age, that he was engaged in correspondence with a man who never spared an enemy, however faithfully he may have served a friend; that he was engaged in a controversy with Gen. Benjamin F. Butler of Massachusetts. who stood behind this man and dictated what he had written. But how does he deal with it! Is he a guilty adulterer, stricken down by the charge ! Frank Me who tells you that he had over him the power of life and death; Frank Moulton, whose wife could consign Henry Ward Beecher to infamy; Frank Moulton, backed by Theodore Tilton, who hated him as he hated his God; Frank Moulton, who loved nothing that belonged to him, who hated even the very wife of his bosom, who hated even the very boy whom he had once for false pretenses professed to serve—but I cannot talk with patience of such things. Do you believe that he was a guilty man; that the mement h found that this man was false indignantly took his stand : "Sir, I trusted you as a friend. I recognize you now as an enemy. I placed a confidence in you which you did not deserve. I look upon you now as you are. state my rights; I appeal to any sense of honor that may remain within you. I know my appeal will be in

vain, but it shall be made, made fearlessly." Was that the language of innocence or of guilt? If it were true that he was an adulterer; if it were true that this very man was at that moment the custodian of a paper in which Mr. Beecher acknowledged adultery; if t were true that again and again, through those long months and years, he had occupied himself under Frank Moulton's roof in declaring that he had sexual intercourse with Elizabeth Tilton, if he knew that Mrs. Moulton, a respectable communicant in his own church, had heard his confession, would that have been the tone of Henry Ward Beecher's answer! Butler was not there. He had been left either at Narragansett or New-York. Here was a letter that needed an answer. It needed an answer, too, that could be used afterward in a court of justice. Frank Moulton was not the man capable of writing it. Theodore Tilton is sent for, and he is at

MR. MOULTON'S ANSWER TO MR. BEECHER. Through the long watches of the night of the the 4th of August these men concocted the answer which they thought afterward might impose on a Court and a jury, and here it is. The hand is the hand of Tilton, but the voice is the voice of Moulton. I read to you only a part of Mr. Beecher's letter; with a view of saving your time I will read to you only a part of Theodore Tilton's

reply: You are incorrect in saying that Mr. Tillon has had access to my "depesitory of materials;" on the contrary, I have refused Mr. Tilton such access. During the preparation of his sworm statement he came to me and said his case would be incomplete unless! permitted him the use of all the documents, but I refused; and all he could rely upon were such notes as he had made from time to time from writings of yours which you had written to me to be read to him, and passages of which he caught from my into in shorthand.

ny tips in shorthand. You may remember that among the questions I put to him when he was upon the stand, was whether he had read those to him, and whether Theodore Tilton had taken notes in shorthand, and he swore he had not. He has an excuse for this; it was Tilton that wrote this, not hė; Tilton confessed what Moulton denied.

Mr. Tilton has seen only a part of the papers in my possession, and would be more surprised to learn the entire facts of the case than you can possibly be. And the man who wrote that sentence is Theodore Tilton. I won't dwell on it any longer.

THE CHARGE OF BLACKMAIL REAVOWED. Gentlemen, these were two blackmailers. I have noticed with what formality it has been announ that the charge of blackmall has been in this case withdrawn, that Mr. Beecher disavowed it. Why, gentlemen, no man who understood the facts of this case has ever doubted that this was a case of blackmail. Men hesitated to say it, as we always shrink from severe accusa-tions of that kind until the proof is too clear to resist the light. When my friend William O. Bartlett of New-York, one of the clearest and ablest men at the New-York bar, whose reputation as a lawyer is less than it would be except for his reputation as a literary man, which rises even above it-when this case was stated to him he at once pronounced it a case of blackw how the other side obtained their copy; I am ments have prevented me from having the benefit of his ciates of this case, because he would speak with a directness and power in characterizing it that I cannot command. But can you doubt that it was blackmail, and from the beginning! Not from the beginning as against Mr. Beecher-in the beginning, Bowen; in its prosecution, Beecher; in the end, Plymouth Church and the friends of Mr. Beecher. As long as the money came the charge was held back. When the money failed then came the charge. But do you believe that the gun is not loaded before it is fired? Do you believe that the cartridge and the ball find their way into the weapon before it is discharged by accident! These were men who meant business from the beginning. It is entirely true that their purposes shifted as their de vices shifted, from time to time, according to the exigencies of the occasion, but all through ran the dark thread of conspiracy, which you can trace back from this very hour to the hour when, on the secular Christmas of 1870, Theodore Tilton stood before Henry C. Bowen, arraigned for immorality, and threatened with discharge. Men are often misled by the ambiguity of terms. What is black nailf In a strict and technical sense this is not a case of blackmail. Fortunately, such cancerous conspiracles as this have been so rare that our language does not furnish terms to characterize with definite precision the peculiar infamy of the actors or the vile instrumentalities they employ. It is only by proximate terms that such men and such means can be portrayed. The word blackmail in its primary sense imports contributions made by honest men to the confederates of rogues, to

> tion. Webster defines the term thus: 1. A certain rate of money, coin, cattle, or other thing anciently paid in the North of England and South of Scotland to certain men, who were allied to robbers, to be by thom protected from piliage. 2. Extortion of money from a person by threats of accusation or ex-posure, or of opposition, in the public prints.

woid threatened pillage and depredation. In another

sense it imports the extortion of money whether from

the guilty or the innocent, by threats of injurious accusa-

THE REASONS FOR CHARGING BLACKMAIL. Technically, the moneys obtained by Moulton from Mr. Beecher do not fall within either definition. They were frankly and freely given, and not to an avowed confederate, but to a professed mutual friend. They were obtained not by open menace, but by the cunning and treachery of a smooth-tongued confidence man. Mr. Beecher was made to believe a lie. Moulton persuaded him that Mrs. Tilton had made him the object of an undue and idolatrous passion; that Tilton really believed that Mr. Beecher had estranged her love; that the stories Mr. Beecher had repeated to Bowen were the unfounded calumnies of gossiping and half-crazed women, and that he had been by these means and by his too ready credulity, the instrument of stripping Tilton of \$15,000 a year and destroying the peace of his family and blasting his personal reputation and his prospects of edi-torial success in after life. If he was made to believe these things, had he done no wrong? Was there nothing of which he ought to repent ! Is it nothing to have slandered a man who he is assured is innocent? Is it nothing to have alienated the affections of a true-hearted and loving wife! Is it nothing to have blasted the prospects of father and mother and children, and brought the one to shame and dishonor and the other to poverty and destitution You know that he had done neither of these things, but he was made to believe that he had done them all. only this investigation that has unearthed these facts which will blast the memory of Theodore Tilton now and in all future time.

Mr. Beecher was made by that plausible Frank Moulton, who deceived even you by his plausi bility, through many days of his examination who decrives every man that comes in contact with him until he has the means of secalready to the grave. It is due to yourself, it is due to Elizabeth, that no human being shall know these matt as except us. She charges you with this." Oh, you can see how the oily tongue of Moulton moved see how the cily tongue of Moulton moved—
"she charges you with this, Mr. Beecher; she charges
you with it; she loves you in her heart—in her heart.
You think not. I know it; I know it. She loves your little finger more than she loves the body of Theodore Tilton. Don't go near her. It will only kindle the flame to a brighter heat. Don't talk to others. If you trust you dearest friend, you involuntarily trust his wife, who trusts her friend, who trusts her neighbor, and all trust the community. Don't you go with that story to Benjamin F. Tracy. Tracy will know it, and so will Tracy's Don't you go with it to John L. wife. If John L. Hill knows it, he is faithful to you, but Plymouth Church will know it. Trust this whole matter to me, Mr. Beecher. I believe you to be innocent, but you have done Theodore Tilton great wrong. Trust it to me. I know the man. He has infirmities; he is jealous; when he is aroused his passions are ungovernable; but leave it to me, and I will control them. If all else fails, I will grind him to powder. But what you have to do is to deal with him in his own spirit. He is a magnanimous man; he is a generous man; take the whole blame on yourself, and he will forgive you, and be a warmer friend than ever he was be Under just such influences as these Mr. Beecher was led first to feel the deepest anguish and remorse at the wrong of which he had been the unconscious instrument, and then to express, in the warm and burning lan guage of a large and generous heart, the regret he felt at the wrong, even to Theodore Tilton.

But, to proceed. Moulton held Beecher in this

position, and he knew it. The inquiry is, how he used his power over him and how he intended to

use it. Now, if we regard the term blackmail in

its moral sense, there is no room for dispute that Francis D. Moulton was a blackmailer. If he believed

Henry Ward Beecher to be an adulterer, as he now falsely

pretends he did, all men will agree that he was a black-mailer. What! Adultery, and money paid for it, and no blackmail! He admits that he told Beecher of Theodore Tilton's threats. Is the extortion of money by threats not dackmail! He admits that he obtained the money; he admits that he gave it to Mr. Tilton ; he admits that he concealed the fact that he received it; he refused to ake the \$5,000 in the form of a check to his order, be cause that would expose his agency in the transaction He exacted it in bills, and concealed, even on the books of his firm, as he himself admits, the fact that the money came from Mr. Beecher. He broke into a violent rage when Gen. Tracy incautiously al-luded to his knowledge of the fact that Tilton had received the money. He denounced Mr. Beecher for disclosing it to Mr. Tracy, on the false assumption that Mr. Beecher was Gen. Tracy's informant. When he found that his partner Franklin Woodruff was the man who had disclosed it, he denounced Woodruff to his face for betraying him to Tracy. Mr. Woodruff afterward came to Gen. Tracy to reproach him for telling Moulton of this harmless and innocent fact. Why all this wasted rage if there was no blackmail! He went further; indeed you yourselves saw Francis D. Moulton, in your presence, in communication with the then examining counset when he questioned Gen. Tracy as to this interview with Woodruff, and as to what he called Gen. Tracy's apology for beiraying the secret of blackmail. If Moulton was not conscious that he had obtained this money from Mr. Beecher by treacherous cunning and contrivance, why did he object to receiving it in the form of a check to his own order # Why, after the Investigating Committee was called, did he warn Mr. Beecher through Gen. Tracy, that if he ever said anything about that \$5,000, he should deny that he ever received it

Why did he tell Gen. Tracy, on Jearning that he knew it, that Mr Beecher must deny it, and that he himself should deny it ! Why, after he found that Gen. Tracy would not advise Mr. Beecher either to deny or to suppress the fact in his statement, and after he found that Franklin Woodruff had disclosed the fact imprudently to Gen. Tracy, did he attempt to soften Mr. Beecher's statement of the fact! What did he do! All the appeals of Gen. Tracy to his manhood and his honor to suppress the infamous statement which had been prepared at Narragansett fail; but in view of the fact of blackmail, he came to the conclusion that after all it was better to suppress that state ment which had been the labor of two weeks' parturition, and to publish a short statement which Mr. Beecher should think under all the circumstances was satisfac tory, that Mr. Beecher had committed an offense, but it had received a suitable apology that the offense was not of such a character as to involve his honor or his purity as a man, and that the church should dismiss the inquiry. But, mark you, the man who put in that statement to mislead and entrap Mr. Beecher had in his pocket the other statement, prepared by him-

self and by Gon. Butler, charging Mr. Beecher with adut-tery, and containing the documents to which he had refused Mr. Beecher access! Again, when he finally pub lishes his own statement, he pretends in it that he has made no change in it, even to the extent of a single word, since it was originally written, before he introduced the other statement; but you can judge of the probability of the pretense from the fact that in its published form there was a reluctant and enforced admission of the payment of the money, with a lame and impotent attempt to explain it as a little private requery of his own-for the benefit of Tilton, it is true, but without a thought on the part of Tilton that the money came from Beecher. that the money came from Mr. Beecher-finds his way, on the next Lord's Day, just before the services of Plymouth Church, to the corner of Columbia Hights, near to the house of Mr. Beecher, puts his arm within Mr. Beecher's, and proceeds to say to him, how he, Theodore, loves him: and within a few weeks after, ever by his own concession, he has laid on the stand of Plymouth platform, where Mr. Beecher is to meet it at the opening of the service, the message, "Grace, mercy, and peace. T. T." But, of course, he didn't know where this \$5,000 came from; and it was a mere speculation of Frank Moulton to re himself for his benefactions to Tilton, and he and Reecher had agreed that Tilton never should know anything about it. Doubtless Tilton thought that this \$5,000 in greenbacks coming down upon a parched and thirsty land, came down from Heaven, that it was brought down upon that ladder described in his Biography of Mrs. Woodhull, by one of the descending angels of free love, and who very naturally had committed the precious charge to the hands of Frank Moulton as messenger. Or perhaps he thought it a gif

first thousand dollars of the money; he sends back Mout-ton's check scornfully, with the message, "I cannot borrow what I cannot repay." Moulton, deferring to the sensibilities of his friend, sends him back the check, and the man who refuses to give a note for the money pockets the check, and appropriates it to his private use. Of course Tilton did not know where the money came from. It would not have been respectable to know. Certainly not, if he believed it to be bed-money for the use and occupation of his own wife; and even then he contemplated, I have no doubt, in his own heart, the future charge of adultery which has culminated in this prosecution. It would have been still less respectable if he knew it had been obtained by cunning and treacherous contrivance from an innocent, warm-hearted, and generous man, who be-lieved that he was repairing a wrong he had unconsciously committed in the wreek and desolation of a bound to him by ties so sacred as the connection with his own cherished church. If Moulton and Tilton iid not regard this money as blackmail, why did they both cower and shrink in dismay when the fact came to be known that they received it ? If it was not blackmail, why were no entries made by either of them of the sources from which it was received ! If it was not blackmail, why do they retain the money to this very hour f Theodore Tilton and Frank Moulton can find the means but never to this hour has it occurred to either of them that they should return the money which was obtained

brought by the hand of that child mentioned in the Wood-

hull Biography, of whom Theodore Tilton, over his own

signature, certifled that the woman in the free love man-

sion had raised a child from the dead; though he did not

believe that Lazarus was raised by the Redcemer of man-

kind! Wherever the \$5,000 came from, Theodore would

not give a note for a dollar of the amount. He could not

trust even the chivalrous Moulton with his note for the

by false pretenses and fraud. On the 2d of May, '74, Tilton had the effrontery to write a letter to Mr. Beecher from The Golden Age office, which I will ask your permission to read. You see there are always two Tiltons. The one chivalrous and magnanimous, who scorns all that is mean, who stands in the presence of this age and of all the future generations of history and of the world here and of the world above, expecting all men and all beings to unite in admiring im. The other Tilton is the man who receives \$5,000 puts it in his pocket, and does not know where it come from. The other Tilton is the man who when Bessi Furner has the boldness to rebule his insolence to his

this letter from Theodore Tilton to Henry Ward Beecher, Theodore Tilton drew \$250 of that \$5,000; but it unluckily happened that it was the last draft but one made upon the dying fund. It happened to be at the very time when he was engaged in his attempt to get up this new journal in New-York, of which Henry Ward Beecher was to be the editor, of which Frank Carpenter was to be the manager, of which Moulon was to be the business man, and of which Theodore Tilton was to be the correspondent at a salary of \$10,000 a year, until he could take the chief editorship. That was it. It was the time when Claffin, and Southwick, and Cleveland, and Sage, and the other friends of Beecher were called upon to unite in this grand, new enterprise, which was to give to Heary Ward Deecher a higher reputation in the world at large even than all the services which he had rendered in obedience to his Master's com-mand. But he must keep his record all right; and we find produced this letter written. Observe, he is ready to receive money from Jackson S. Schultz; he is ready to receive it from Southwick; he is ready to receive it from Claffin, and wanting to receive it from Cleveland; wanting Plymouth Church to pay it, saying that unless Plymouth Church comes to his terms he will blow off its roof. But this honorable man, who has an alternative behind, to wit, an action against Henry Ward Beecher for crim con. with his wife, writes to him this letter, which can be kept in readiness, and which was read by my rhetorical friend, Judge Fullerton, in such a manner as almost to draw tears from the eyes of every man who heard it. "The Golden Age. May 2, 1874. Henry Ward Beecher"-men of true dignity, you know, reject titles. True, the world would have said "the Reverend Henry Ward Boecher;" but that would be a concession which the blackmailer could not brook.

which the blackmailer could not brook.

HENRY WARD BEECHER.
Sir: I have just this morning learned to my surprise and sorrow that F. B. Carpenter, whose good-will toward both you and me is unquestionable, has consulted you concerning the use of your money, influence and good offices for the enlargement of the capital of The Golden Age. Mr. Carpenter mentions to me also your saying to him that under certain conditions, involving certain disavowals by me-referring, of course, to the Woodhull matter, for he must disavow Free Love and all that kind of thing-involving certain disavowals, a sum of money would or could be raised to send me, with my family to Europe for a term of years.

New work you, not only had, no such proposition been

Now, mark you, not only had no such proposition been made by the friends of Mr. Beecher, but all Frank Carpenter had attempted to that end had utterly failed. Theodore Tilton himself had been arraigned at the Union Club by men of character, who had been his former friends, as a blackmaller, and the question was submitted to arbitration as to whether he was or not. Of course it is time for him to put matters right.

Of course you need no assurance that such an applica-tion or suggestion is wholly unauthorized by me, and is inexpressibly regugnant to my feelings. The occasion compels me to state explicitly that, so long as life and self-respect continue to exist together in my breast, I shall be debarred from receiving, either directly or indi-rectly, any pecuniary or other favor at your hands.

Oh, at your hands! It must come through Claffin, it must come through Southwick, it must come through schultz or Cleveland, some of these other gentlemen. "I cannot receive money from Henry Ward Beecher; not I."

The reason for this feeling, on my part, you know so well that I spare you the statement of it.

If it had been Moulton, he would have said, "Why, Beecher, you know it is because you and Theodore Tilton's wife had sexual intercourse together. Beecher, do you remember you told me on Monday, and you told me on Tuesday, and you told me on Wednesday; you told

me in January and in July; you told me every month of the year for four years; every time you came down, fearing I had forgotten it-you told me you had sexual intercourse with Elizabeth R. Tilton." Tilton is more delicate; he believed in generosity. "I need not state what is the reason why I cannot receive money from you, and you must send it through Claffin or Southwick, and it has got to be done soon, too, for the fund is nearly out." This is May 2, 1874; and the next month comes the

PROMISES MADE IN THE PLAINTIFF'S OPEN-ING NOT FULFILLED.

friend Shearman calls my attention, as illustrative of the point I am on, to page 677, second volume. This is the testimony of Charles Storrs:

I asked Mr. Tilton—says I, "What is the matter with Claffin I" Says he, "Why I" Says I, "He didn't seem favorably disposed to the project, and rather talked against it than for it." Mr. Tilton says, "Claffin had better look out; perhaps something can be said about him."

Well, when Theodore Tilton comes to say it, he had

better find other witnesses than Frank Moulton and his wife to carry through the charge; and, let me tell him. after the developments of this trial, even though his friend Butler should tender his services to his friend Claffin as his adviser, he will have a decided preference for Benjamin F. Tracy and William M. Evarts. The scheming and shallow brain of this man advised what doubtless seemed to him and Moulton a cunning expedient in writing this letter to Mr. Beecher. It would serve to repudiate the act of his agent, Carpenter, if his negotiations fail. It would quicken Mr. Beecher to aid these negotiations by inducing his friends to accede, unconditionally, to Mr. Carpenter's demands, and to enable Tilton, if they failed, to put himself upon the lofty ground that he never could accept anything at the hands of Henry Ward Beecher. The effrontery Mackmailer, gentlemen, is curiously illustrated by the fact, admitted by Moulton in his cross-examination, and without appreciating its damning effect upon him-self, that on this same 2d of May the draft was made upon that very fund to which I have already re ferred, and which was succeeded by a draft exhausting the fund. And, in regard to Mr. Carpenter, gentle men, I desire to call your attention to the fact that in the opening of this case, my friend Judge Morris distinctly announced to you that he should prove by Frank Car penter that Henry Ward Beecher confessed to him his adultery with Elizabeth R. Tilton. The plaintiffs closed their evidence, but the busy agent of Tilton was not called. We closed ours, and they went through their evidence, still Carpenter was not called. Moulton came back; Tilton came back; Stephen Pearl Andrews Cas brought; everybody was brought that could be reached. You saw Frank Carpenter in court hovering on the confines of the ground. This man, the only impartial man who ever pretended that Henry Ward Beecher made such a confession dare not appear. Why not ! If this is not a manufactured case, how does it hap-pen that the only disinterested witness by whom the assertion was to be proved is not willing to confront a jury with his oath 1 And th same counsel indicated to you in his opening that al-though Mrs. Bradshaw might not be able to prove the confession of Henry Ward Beecher, she would at least prove the confession of Elizabeth R. Tilton. Of course it would have been illegal, but, strangely enough, in the course of their evidence they called her to the stand and introduced in evidence a letter written by her to Henry Ward Beecher, in which she says, with all the woman' fervor of her soul: I don't believe the infamous charges of Theodore Til-ton against you, and Elizabeth, his wife, has never con-fessed to me that you offered her an indignity.

Moulton don't fail; Tilton don't fail; Mrs. Moulton is here. How does it happen that the witnesses whom the public were led to expect are not here? If it were true f a respectable and leading artist in the City of Brooklyn had from Henry Ward Beecher such a confession, do you suppose he would not have been on that stand man who was willing to run as an er rand boy in behalf of Theodore Tilton; and to calumnies against Mr. Beecher in the circulate clubs, who has been even here,-why is he not there! The accusation is false. He did not swear to it, because it was not true, not, however, because the other side did not mean to prove by him that it was true. Again,

I submit that the blackmail purpose of these proceedings is still further illustrated by the fact that appears in Moulton's testimony at page 256 of the first volume, that on the 26th of the same month of May, and just before the appearance of the Bacon letter, Moulton and Tilton put their names on the back of the last draft for the balance of Beecher's \$5,000, and the further fact that on that date Tilton's account with the firm of Woodruff & Robinson was largely over-

THE ATTEMPT TO BLACKMAIL PERSISTENT. Have you ever doubted where that Bacon letter was written I Now, here, too, we have an illustration of Moulton. Here is the fact that The Golden Age was then practically bankrupt; that it was on the eve of being turned over to Clark as a sinking concern; that Tilton was then concocting the Bacon letter; that Moulon, as usual, was professing to oppose, but he and Tilton were engaged in concecting, in the hope of still bringing the friends of Beecher to contribute further sums to them under the name of charity. Moulton did not even ther abandon the purpose in which for the time he seemed to be baffled. Even after the publication of the Bacon letter, with his usual smooth and oily duplicity, pretended to Mr. Beecher to have sed to its publication, and he had the cool effrontery and indiscretion to tell Mr. Beecher that he, Frank Moulton, had offered \$5,000 in gold to Theodore Tilton to sup-

pocket," and here he again tells him: "I offered Thee dore Tilton \$5,000 in gold not to put this Bacon letter, this libel upon you." he think him a blackmaller! Is it to any blackmailers that such offers are made 1 Of course be made no such offer, and you understand why the tion was made to Mr. Beecher. The difference was in the price. It was an intimation to Mr. Beecher that some other friend had better offer him \$10,000, and the letter would then be suppressed. My friend Shearman calls my attention to a fact, which escaped my memory, that he followed it up immediately by telling Mr. Beecher: Why, you had better give him your whole fortune that have such a slander as this published."

No blackmailer! Theodore didn't know this; be didn't hear it, and if the occasion came he would be ready to write to Mr. Beecher a letter saying, "Fhave learned with great regret and sorrow that my friend Moulton has coolly proposed, in my interest, to ask yo to turn over to me your whole fortune. I wish you to distinctly understand that Mr. Moulton had no authority for any such proposition from me." The same game. It is the "panel" game which runs through this case. I borrow the expression from my friend Mr. Evarts, as ap plied to an earlier stage of this matter, of which I shall not speak, because I want you to hear him. Why should Frank Moulton pay down \$5,000 in gold from his own funds to save a ciercal debauchee from the charge of playing the libertino with Theodore Tilton's wife! It was a bid for blackmail. It was cunningly concocted under the guise of the mutua friend, who would sacrifice all he had for the benign pur pose of reconciling an adulterer with the husband of his paramour, and that husband his closest and most inti mate friend. If Moulton was capable of an act of such black and contemptible infamy, then I submit to you whether his fitting home is not in the lowest haunts of vice, and whether he should not recede from view, and from your honored Chief-Justice, with a brand upon his forehead which hereafter will protect honest men and honest women from contact with one so vile and dastardly Do you doubt that the purpose of this man was blackmail from the beginning ! Whoever else might doubt, Tilton perfectly knew. On his dismissal from The Independen ne had no claim against Bowen which he could enforce if the actual facts were known, as they were then known to him, and as they are now known to you. Even Moulton acknowledged the fact to Beecher, that Bowen charged Tilton with personal immoralities, which would bar him from a recovery under the contracts.

Both Tilton and Moulton deny the truth of these accusations, but in the light of the evidence given on this trial there is no doubt of the truth of those charges, no doubt that Bowen, in fact, had a perfect defense. Neither Moulton nor Tilton dared to press the matter to an issue in the courts of law until they could secure alliance with Mr. Beecher's friends, which would enable them to bring to bear a pressure which would make a resort to arbitration safe, the thing which Mr. Bowen had proposed from the beginning. The first thing to be done was to Mr. Beecher that Bowen was his persistent slanderer, and his bitter and malignant enemy. In this they succeeded, but it took time. But when this was thoroughly

accomplished, when Moulton had been enabled, by the aid of Beecher, to give the lie to his calumnical against the defendant, and to shake in the teeth of Bowen, as he says he did, the statement in his own handwriting of every issue which he ever had with Henry Ward Beecher, Moulton still objected to arbitrate, objected even to bringing suit at that stage of the mat ter, on the ground that Bowen ought to reinstate Tilton in The Independent. That was the original aim, as have stated. But the scenes shifted, their objects changed, and their devices changed with the purposes they were intended to subserve, and the error of the brood throughout the conspiracy is in assuming that men who conspire in the beginning never change the purposes, the objects and the modes to gain the litimate end. Frank Moulton and Theodore Tilton would to-day be very far from the enemies or as cusers of Mr. Beecher if fortune had favored them both, Moulton had grown rich as fast as he wanted to, and if Tilton had been permitted to enjoy an income o \$15,000 to \$20,000 a year; but there are men who live not for others, as Henry Ward Beecher does, but for themselves. They had their common purposes to gain. Both of them were mean shams, who wanted to be thought real men. Moulton, who wanted the reputation of wealth and literary ability; Tilton, who wanted the reputation of being the most magnanimous man on the face of the earth, and the most indifferent to money, but with his pockets full. Mr. Beecher said, as you will remember, "Why not arbitrate ! If you don't arbitrate why not sue?" Moulton knew what Beecher did not know, and that is, that Bowen had a perfect defense; but to Beecher he pretended the time had not yet come. [To the jurors]: May I go on a little while longer!

Judge Neilson-One of the jurymen has been complain-ing. I will hear you in the morning.

[To Mr. Jeffreys, one of the jurors]-Do you wish to adjourn 1 Mr. Jeffreys-I would rather adjourn.

Judge Neilson-Then we will adjourn. Return to-morrow morning at 11 o'clock.

The court thereupon adjourned until to-day at 11 o'clock.

THE NATIONAL VICE

A CUSTOM DERIVED FROM OLD PAGLAND.

To the Editor of The Tribune. SIR: A correspondent lately held up to execration in The Tribune the habit of expectoration, which ne called a "national vice," and would have us believe that other peoples do not do "dirty tricks" in public. I am tired of having this habit held up as distinctively American, and of reading that we are sinners in point of nanners above all those who dwell under the flags of the 'effete monarchies" of Europe. I think American manners are not to be gauged by those of the nouveaux riches who stalk through the galleries of the Old World, and measure their merits by the size of their halis; nor by those who, unable to get into any reputable society at home, go abroad to disgrace their homes. Americans 'spit," and do so too much and too publicly, but this 'vice" is not a circumstance to the doings of gentlemen in Paris and other continental cities, where the side walks are made more nauseating than would be believed ossible, if it were not a fact. As for spitting, however, claim that, if it is an American vice, it is inherited from our English ancestors. If you will examine some of the books treating the subject of manners published by the Early English Text Society, you will find fre quently such warnings as the following:

" Pyke not thy teethe at the table syftynge Nor vse at thy meate over muche spytynge."

"Scratche not thy heade with thy fyngers When thou arte at thy meate; Nor spytte you over the table boorde; [! See thou doest not this forget. Pick not thy teeth with thy knyfe Nor with thy fyngers ende."

" If spitting chance to move thee so
Thou canst it not forbeare,
Remember do it modestly,
Consider who is there.
Tread out, and cleanse it with thy foot,
Let that be done with haste."

" If thou art wise, spit beyond the vessel when thou

washest."
" Fro spettyng & snetyng kepe thee also."
" Ne spit not lorely [loosely] for no kyn mede." This is all good advice, undoubtedly, but it would never

have been given if Englishmen had not needed it. Undoubtedly we spit too much, and it is a good thing to fight the habit; but let us oppose it on its merits, and not get up another international contest by holding up expectoration as a "national vice." The old books of manners are amusing, as showing how English people behaved and how they ought to have behaved 300 years

If you will look into Mr. Ruskin's " Fors Clavigera." you will find that the neute author inveighs against the same vile practice as it exists among the modern English. Mr. Ruskin states (I quote from memory) that on one of his rural walks he espied a youth sitting on the bank of a limpid stream that flowed beneath the shade of luxuriant trees. The critic was charmed by the beauties of the landscape, no less than by the intensity with which he lad gazed into the pellucid depths beneath him. To Mr. Ruskin it was undoubtedly a case of natural, instinctive love of nature. Reclining on a grassy bank, shaded by graceful branches that dipped their leaves in the pure stream,-but you can imagine the poetry one could improvise on such an occasion. Full of the entiment of the scene, Mr. Ruskin reverently approached and lo! the boy was engaged in spitting into the brook Probably he was expectorating "at a mark," in the style that might be attributed to Arkansas or to the halls of Congress. Imagine the disgust of the author of the Seven Lamps." Put the picture beside the one I mentioned before, and I guess we may safely assert that spitting is a habit in which Americans indulge because they have descended from Englishmen. ARTHUR GILMAN Cambridge, May 20, 1875.

Workmen's wages have gradually advanced in poor wife dashes her against the wall, and then turns and says. "Bessle, my dear, did you slip and hurt yourself?"
[Laughter.]

Now, here we have the other Tilton, and I want to preface it with a single remark. That account which Frank Moulton produced, and over which he was so triumphant on the stand, and which was commented on in the newspapers as so triumphantly vindicating him against the charge of blackmail, shows that on the day of the date of the purpose of serving Henry Ward Beecher! Is that the man! This is the same man who obtained the whole heart of Mr. Beecher by eaying to him on one occasion:

Workmen's wages have gradually advanced in France. The average daily wages obtained by those employed in 62 trades in 1853 was 1.59 france or 31 cents. In 1871 the daily wages averaged 2.63 france or 53 cents—an increase of 40 per cent. In that the man! This is the same man who obtained the whole the man! This is the same man who obtained the whole the man! This is the same man who obtained the whole them to five man! This is the same man who obtained the whole them at of Mr. Beecher by eaying to him on one occasion:

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